

ESTTA Tracking number: **ESTTA741560**

Filing date: **04/21/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	REPUBLIC TECHNOLOGIES (NA) LLC
Granted to Date of previous extension	04/24/2016
Address	2301 RAVINE WAY GLENVIEW, IL 60025 UNITED STATES

Attorney information	Antony J. McShane Neal, Gerber & Eisenberg, LLP 2 North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES amcshane@ngelaw.com, jcohen@ngelaw.com, temmanuelson@ngelaw.com, lpalumbo@ngelaw.com, ECFDocket@ngelaw.com Phone:312.269.8000
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Applicant Information

Application No	86624230	Publication date	10/27/2015
Opposition Filing Date	04/21/2016	Opposition Period Ends	04/24/2016
Applicant	QCB LLC 1300 South Dearborn Street Seattle, WA 98144 UNITED STATES		

Goods/Services Affected by Opposition


Class 010. First Use: 2014/01/16 First Use In Commerce: 2014/01/16 All goods and services in the class are opposed, namely: Vapor inhalation apparatus made of quartz glass, sold empty, used for the inhalation of pharmaceuticals
Class 034. First Use: 2014/01/16 First Use In Commerce: 2014/01/16 All goods and services in the class are opposed, namely: Oral vaporizers made of quartz glass for smoking purposes

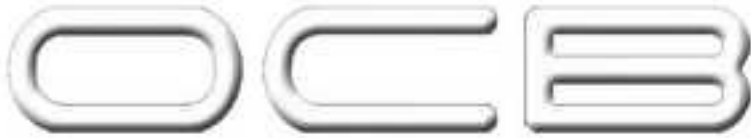
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	174501	Application Date	05/29/1923
Registration Date	10/16/1923	Foreign Priority	NONE

		Date	
Word Mark	OCB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1923/05/19 First Use In Commerce: 1923/05/19 Cigarette Paper		

U.S. Registration No.	3956013	Application Date	06/08/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	OCB		
Design Mark			
Description of Mark	The mark consists of a stylized display of the mark "OCB".		
Goods/Services	Class 034. First use: First Use: 2010/09/01 First Use In Commerce: 2010/09/01 Cigarette paper		

Attachments	71181349#TMSN.png(bytes) 85057681#TMSN.png(bytes) Notice of Opposition re QCB_.pdf(14851 bytes) EX A Notice of Opp against QCB.pdf(67020 bytes) EX B Notice of Opp against QCB.pdf(169857 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Antony McShane/
Name	Antony J. McShane
Date	04/21/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.
86/624,230 for QCB (Stylized)

Published in the Official Gazette
on October 27, 2015

REPUBLIC TECHNOLOGIES (NA), LLC,

Opposer,

v.

QCB LLC,

Applicant.

NOTICE OF OPPOSITION

Opposition No. _____

This Notice of Opposition is submitted in the matter of Application Serial No. 86/624,230 for registration by QCB LLC of the stylized mark QCB based upon its use of that mark in connection with “vapor inhalation apparatus made of quartz glass, sold empty, used for the inhalation of pharmaceuticals” in International Class 10 and “oral vaporizers made of quartz glass for smoking purposes” in International Class 34, which was published for opposition in the Official Gazette on October 27, 2015. Republic Technologies (NA), LLC, having a place of business at 2301 Ravine Way, Glenview, Illinois, 60025, believes that it would be damaged by the registration and therefore opposes the same.

The grounds for Opposition herein are as follows:

1. Since 1856, Republic Technologies (NA), LLC, including its affiliates and predecessors (“Republic”), has been a preeminent manufacturer and distributor of smokers’ articles, including cigarette papers, cigarette filter tips, cigarette tubes, cigarette injector

machines and cigarette rolling machines to consumers across the United States through tobacco shops, drugstores, tobacco outlets, convenience and other retail stores.

2. For nearly 100 years, and long prior to the acts of Applicant herein alleged, Republic has devoted substantial resources, time and effort in developing, marketing and distributing smokers' articles under and in connection with its OCB mark. In particular Republic and its predecessors and affiliates have continuously marketed, promoted and distributed cigarette papers under and in connection with the OCB trademark.

3. As a result of its consistent and successful efforts to promote, distribute and sell such smokers' articles under and in connection with its OCB mark, and its continuous and exclusive use of the OCB mark with such smokers' articles, Republic has developed considerable consumer recognition and goodwill in its OCB mark, which has come to be recognized by customers as identifying and distinguishing Republic's cigarette papers, and Republic's cigarette papers alone.

4. As a result of the considerable consumer recognition and goodwill that Republic now owns and which is symbolized by its OCB mark, the OCB mark is now among Republic's most valuable assets.

5. To protect its rights, Republic owns and maintains the following federal registrations for its OCB Mark in the United States Trademark Office, at least one of which is now incontestable pursuant to 15 U.S.C. §1065:

Mark	Registration Date	Registration No.	Goods and Services
OCB	October 16, 1923	0174501	Cigarette papers
OCB (Stylized)	May 3, 2011	3956013	Cigarette papers

Printouts from the U.S. Patent and Trademark Office website showing the current status and title of the above-listed registrations are attached hereto collectively as Exhibit A.

6. On May 8, 2015, long after Republic began its use of its OCB mark, Applicant filed an application to register the stylized mark QCB based upon its use of the mark in connection with “vapor inhalation apparatus made of quartz glass, sold empty, used for the inhalation of pharmaceuticals” in International Class 10 and “oral vaporizers made of quartz glass for smoking purposes” in International Class 34.

7. Applicant also filed an application on September 10, 2015 to register the standard character mark QCB based upon its use of the mark in connection with “instruments and apparatus provided empty used for the inhalation of pharmaceuticals” in Class 10 and “oral vaporizers for smoking purposes” in Class 34.

8. Upon information and belief, Applicant uses the stylized QCB mark in conjunction with the standard character QCB mark to promote smokers’ articles. Printouts from Applicant’s website are attached hereto as Exhibit B.

9. Applicant’s stylized QCB and standard character QCB marks (the “QCB Marks”) are substantially similar to the OCB mark, and are being used in connection with substantially similar goods in identical or substantially similar channels of trade as Republic’s OCB products.

10. As a result of the similarity of the parties’ marks, the similarity of the goods associated with the marks, the similarity in the channels of trade of such goods and the strength of the OCB mark, Applicant’s use and registration of the QCB Marks would be likely to cause confusion or mistake, or to deceive purchasers, in that purchasers would be likely to believe Applicant’s goods are Republic’s goods, or are in some way legitimately connected with,

sponsored by, or approved by Republic, in violation of 15 U.S.C. § 1052(d). Accordingly, Republic opposes registration of Applicant's mark.

WHEREFORE, Republic requests that the registration sought by Applicant be refused and that this Notice of Opposition be sustained.

Republic requests that the requisite filing fee of \$300.00 be charged to the deposit account of Neal, Gerber & Eisenberg, Account No. 502261.

Respectfully submitted,

Date: April 21, 2016

By:

/Antony McShane/

One of the Attorneys for
Republic Technologies (NA), LLC

Antony J. McShane
Jessica Rissman Cohen
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF SERVICE

I, Jessica Rissman Cohen, an attorney, state that, pursuant to 37 CFR §§ 2.101, 2.111, and 2.119, I caused a true and correct copy of the foregoing Notice of Opposition to be served upon:

Susan L. Stuart
AEON Law
1218 3rd Ave., Suite 2100
Seattle, Washington 98101

via U.S. Mail, first class, postage-prepaid, on April 21, 2016.

/Jessica Rissman Cohen /
Jessica Rissman Cohen

23331964.2

EXHIBIT A



Trademarks > Trademark Electronic Search System (TESS)

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OCB

Word Mark	OCB
Goods and Services	IC 034. US 008. G & S: Cigarette Paper. FIRST USE: 19230519. FIRST USE IN COMMERCE: 19230519
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	71181349
Filing Date	May 29, 1923
Current Basis	1A
Original Filing Basis	1A
Registration Number	0174501
Registration Date	October 16, 1923
Owner	(REGISTRANT) R. J. Reynolds Tobacco Company CORPORATION NEW JERSEY Winston-Salem NORTH CAROLINA (LAST LISTED OWNER) REPUBLIC TECHNOLOGIES (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 RAVINE WAY GLENVIEW ILLINOIS 60025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ANTHONY J. McSHANE,
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECTION 8(10-YR) 20130430.
Renewal	4TH RENEWAL 20130430
Live/Dead Indicator	LIVE

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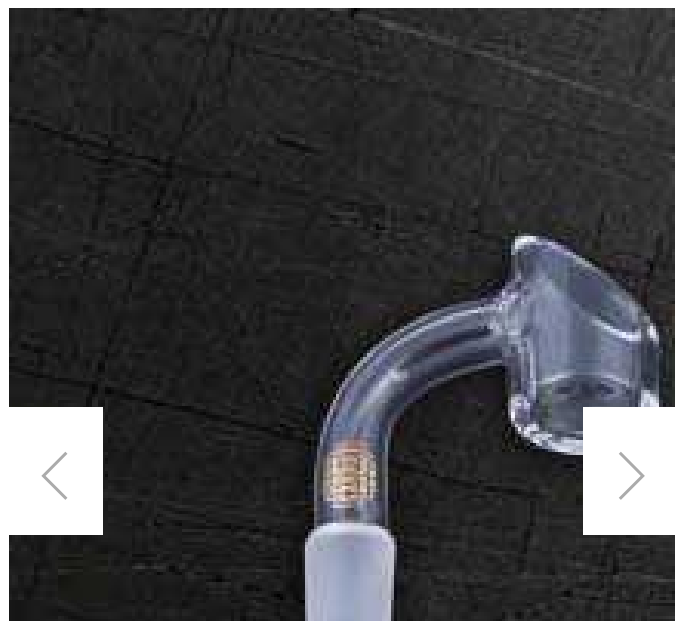
Word Mark	OCB
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarette paper. FIRST USE: 20100901. FIRST USE IN COMMERCE: 20100901
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	85057681
Filing Date	June 8, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 9, 2010
Registration Number	3956013
Registration Date	May 3, 2011
Owner	(REGISTRANT) DRL Enterprises, Inc. CORPORATION DELAWARE 2301 Ravine Way Glenview ILLINOIS 60025 (LAST LISTED OWNER) REPUBLIC TECHNOLOGIES (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 RAVINE WAY GLENVIEW ILLINOIS 60025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Antony J. McShane
Prior	

Registrations	0174501
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized display of the mark "OCB".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

- TESS HOME
- NEW USER
- STRUCTURED
- FREE FORM
- BROWSE DICT
- SEARCH OG
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- HELP

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EXHIBIT B

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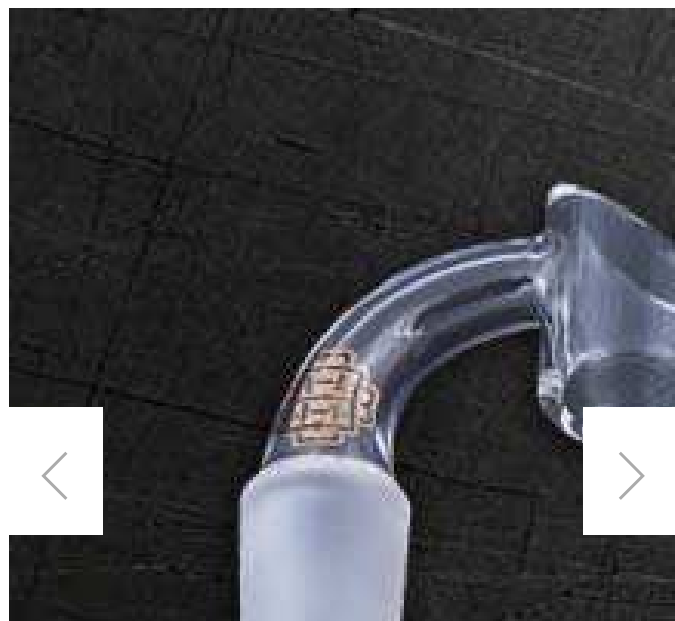
QCB 10mm Male 90

American-made quartz glass
Gold logo application
Regular and XL Buckets available

lease note: orders of XL buckets
will take 3 weeks to ship due to
high demand.

Bucket Size

Regular \$160.00 USD ▼

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QCB 14mm Male 90

American-made quartz glass
Gold logo application
Regular and XL Buckets available

Please note: orders of XL buckets
will take 3 weeks to ship due to
high demand.

Bucket Size

Regular \$160.00 USD ▼